

UNITED STATES DISTRICT COURT  
DISTRICT OF NEW HAMPSHIRE

Roland Larson,  
Petitioner

v.

Civil No. 08-cv-85-SM

United States of America,  
Respondent

**O R D E R**

Re: (Document No. 9) Petition for a Certificate of  
Appealability

Ruling: **Denied.** Petitioner seeks a certificate of appealability allowing him to appeal the dismissal of his motion for relief under 28 U.S.C. § 2255. 28 U.S.C. § 2253. Where, as here, the petition was dismissed on procedural grounds rather than on the merits of the claims raised, a certificate of appealability may issue if the petitioner shows that the soundness of the procedural ruling - here that the petition was untimely and the circumstances pled did not warrant equitable tolling - is debatable, and, that a constitutional claim petitioner sought to raise is colorable. Slack v. McDaniel, 529 U.S. 473, 484-85 (2000); Mateo v. United States, 310 F.3d 39, 40 (1st Cir. 2002). Petitioner cannot meet the first requirement. The petition was some five years too late, and nothing pled colorably warrants the application of equitable tolling principles to excuse such a long delay in filing.

  
Steven J. McAuliffe  
Chief Judge

Date: May 12, 2008

cc: Roland Larson, pro se